IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16008 of 2005

Between:

Sri. Bhavanam Brahmananda Reddy Momorial Committee, Rep. by its President & Correspondent B.Brahmanda Reddy,
S/o. Ramana Reddy, Gandhinagar, Guntur.

..... PETITIONER

AND

1 Government of Andhra Pradesh, School Education Department,
Rep. by its Principal Secretary to Government, Secretariat, Hyderabad.
2 Commissioner & Director of School Education, Andhra Pradesh, Hyderabad.
3 Regional Joint Director of School Education, Guntur.
4 District Educational Officer, Guntur District, Guntur.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction, declaring that Memo.No.12080/COSE/A2/2004-04, dt.20-10-2004 issued by the 1st respondent is not applicable to the institutions under the management of the petitioner as the entire selection has already been completed prior to the issuance of the said Momo and also declare the action of the respondents in not approving the list of selected candidates forwarded by the departmental nominees ie., Deputy Educational Officer, Guntur and Deputy Educational Officer, Sattenapalli in Lr.No.Spl/Dy.E.O.Gnt/Recruitment/2004, dated10-10-2004 and the petitioner committee to the 4th respondent as illegal and arbitrary and consequently direct the respondents to approve the selections made by the duly constituted Selection Committee under G.O.Ms.No.1, dated 1-1-1994 .

Counsel for the Petitioner:MR.N.SUBBA RAO

Counsel for the Respondents.: GP FOR SCHOOL EDUCATION

The Court made the following :

ORDER:

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1. This writ petition is filed by the petitioner's institution aggrieved by the non-approval of the selected candidates for filling up of six SGT vacant aided post, one Grade-II Hindi Pandit aided vacant post in three U.P.School under the management of the petitioner.

2. It is stated that when the petitioner's management proposed to fill up the vacancies, permission was sought for and the 4th respondent issued proceedings dated 3-8-2004 permitting the petitioner to fill up the vacancies. Accordingly, it is stated that selection committee was constituted in accordance with the existing Rules and selection was made on 10-10-2004. Thereafter, the selection process was completed and selected list was sent to the 3rd respondent through the 4th respondent which was received on 13-10-2004. But, however, as the list was not approved the petitioner's institution is suffering seriously and in fact the petitioner approached the 4th respondent on which 4th respondent by proceeding dated 4-2-2005 sought for instructions from the 2nd respondent, in spite of that also no further action has been taken by the respondents, perhaps in the light of the Government Memo dated 20-10-2004 banning filling up of the new as well as vacant aided posts.

3. At the time of hearing the learned counsel for the petitioner sought to contend that as approval has been granted long before the ban imposed by the Government for filling up of the vacant posts, the said ban is not applicable to the petitioner. Therefore, it is appropriate to direct the respondents to approve the list for filling up the vacancies for which prior approval has already been granted by the competent authorities.

4. The learned Government Pleader however sought to contend that the Government Memo date 20-10-2004 is coming in the way. Therefore, the respondents have not acted upon the proceeding forwarded by the petitioner through 4th respondent.

5. Heard the learned counsel for the petitioner as well as learned Government Pleader appearing on behalf of the respondents.

6. This issue has already been decided by this Court that wherever approvals were granted prior to the imposition of the ban on 20-10-2004, the ban is not applicable and the respondents are obligated to approve the list of the selected candidates in pursuance of the approval made prior to 20-10-2004.

7. Under the above circumstances, the writ petition is disposed of directing the respondents to pass appropriate orders granting approval for filling up of the vacancies for which prior approval was granted on 3-8-2004. The said exercise is directed to be completed within a period of six weeks from the date of receipt of a copy of this order. No order as to costs.

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S.Ananda Reddy,J.

22nd July, 2005

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Government of Andhra Pradesh, School Education Department,
Rep. by its Principal Secretary to Government, Secretariat, Hyderabad.
2 Commissioner & Director of School Education, Andhra Pradesh, Hyderabad.
3 Regional Joint Director of School Education, Guntur.
4 District Educational Officer, Guntur District, Guntur.

5. 2 CCs to G.P. for School Education,High Court Building, Hyderabad

(OUT)

6. 2 CD copies

7. 1 CC to MR.BHASKAR REDDY VEMIREDDY

8. 1 CC to MR.SUBBA RAO

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 16008 of 2005

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22nd July,2005.